IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

OP.No. 16534 of 2001(R)

PETITIONER:

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1. M.C. RAMACHANDRAN, COOL, UNIVERSITY HOSTEL FOR MEN, UNIVERSITY P.O., MALAPPURAM.
2. K. RAMAN, DO. DO.
3. P. MOHAMMED, SUPPLIER, DO. DO.
4. P. GOPALAN, DO. DO.
5. ANIL KUMAR. T, DO. DO.
6. KRISHNADASAN. T., DO. DO.
7. ALAVIKUTTY, C.K., DO. DO.
8. KARTHIYAYINI AMMA, HELPER, DO. DO.
9. NAYADICHI, DO. DO. D
10. M. THANKAM, SUPPLIER, UNIVERSITY HOSTEL FOR WOMEN, DO. DO.
11. K. LAKSHMY, COOK, DO. DO.
12. SHYLAJAMANI, P., SUPPLIER, DO. DO.
13. P. ANANDAVALLY, DO. DO.
14. SARASWATHY P.M., COOK DO. DO.
15. NIRMALA. A.V., DO. DO.
16. VIMALA, A., SUPPLIER, DO. DO.
17. C. LEELA, COOK, DO. DO.
18. SAROJA C., SUPPLIER, DO. DO.
19. GEETHA. K. DO. DO.

BY ADV. SRI.THOMAS ANTONY
SRI.K.M.JAMALUDHEEN

RESPONDENTS:
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1. THE VICE CHANCELLOR, UNIVERSITY OF CALICUT, UNIVERSITY P.O., MALAPPURAM DISTRICT.

2. THE HONORARY WARDEN, UNIVERSITY HOSTEL FOR MEN, CALICUT UNIVERSITY P.O., MALAPPURAM DISTRICT.

3. HONARARY WARDEN, UNIVERSIT HOSTEL FOR WOMEN, DO. DO.

4. UNIVERSITY OF CALICUT, REP. BY REGISTRAR, UNIVERSITY OF CALICUT, P.O. CALICUT UNIVERSITY, MALAPPURAM DISTRICT.

5. THE LABOUR COURT, KOZHIKODE.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, CALICUT UTY
SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY, DELIVERED THE FOLLOWING:

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF COMMON ORDER OF LABOUR COURT, KOZHIKODE DATED 19-9-2000 IN C.P.NOS. 31 AND 32 OF 1991.

[TRUE COPY]

P.S TO JUDGE.

S. Siri Jagan, J.

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O.P. No. 16534 of 2001

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Dated this, the 27th February, 2007.

J U D G M E N T

Petitioners are employees of the mess in the Hostels maintained by the University of Calicut for the students of the University. They filed C.P.Nos. 31 and 32 of 1991 before the Labour Court, Kozhikode claiming difference between the minimum wages payable under the notifications issued under the Minimum Wages Act and the actual wages paid to them. In the C.Ps., the respondents raised a contention that the petitioners are only mess workers working in the Hostel Mess, employed by the students themselves and therefore there is no management-workmen relationship between the University and the petitioners. In view of the said contention raised by the petitioners, the Labour Court took the view that the disputed question as to whether the petitioners are workmen of the respondents cannot be agitated in proceedings under Section 33C(2) of the Industrial Disputes Act and on that ground, denied jurisdiction dismissing the claim petitions by Ext. P1 order. That order is under challenge in this original petition.

2. Learned counsel for the petitioners submits that the petitioners have raised an industrial dispute, namely, I.D.No. 46/1995 before the very same Labour Court regarding the question as to whether the petitioners are workmen of the University of not. Since once that question is decided in that I.D there may not be any difficulty to decide the issue raised in the C.Ps and therefore learned counsel requests that the matter may be remanded to the Labour Court to be tried along with I.D.No. 46/1995.

3. Heard both sides.

4. I do not think that it would be just and proper for me to direct the petitioners who are poor workmen to wait till the industrial dispute is over to decide their status as workmen and then to file

fresh C.Ps going through the entire process of adjudication. Therefore, I feel that these C.Ps also should be adjudicated along with the said I.D. For this purpose, I quash Ext. P1 order and direct the Labour Court, Kozhikode to try C.P.Nos. 31 and 32 of 1991 along with I.D.No. 46/1995 pending before it. Naturally, if the I.D is decided in favour of the workmen to the effect that the petitioners herein are workmen of the University, naturally, the C.Ps have to be adjudicated on its merits. Needless to say, if the position is otherwise, the CPs are liable to be dismissed. The I.D and the C.Ps being of the years 1995 and 1991, it is only proper that the Labour Court disposes of the same within the shortest possible time, but not exceeding six months from the date of receipt of a copy of this judgment. The original petition is disposed of as above.

Sd/- S. Siri Jagan, Judge.

Tds/